

# Notice of Allowability

Application No.

10/709,960

Examiner

Galen L. Barefoot

Applicant(s)

SCHUBERT, PETER J.

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/3/2005.
2. ☒ The allowed claim(s) is/are 1,2,5-36 and 38-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

66

Art Unit: 3644

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 10/17/2005, Mr. Gary Hartman requested an extension of time for the third MONTH(S) and authorized the Director to charge Deposit Account No. 08-0960 the required fee of \$285.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: claim 1 has been amended as on the attached page of "Claim 1" for the reasons as set forth on the attached page marked "remarks".

Application No. 10/709,960

Docket No. A4-1786

~~Proposed~~ Amendment dated October 17, 2005~~Proposed Amendment to Claim 1:~~

Claim 1 (~~Proposed~~<sup>ed</sup> amendment): An apparatus in a zero or low-gravity environment, the apparatus comprising:

means for generating a magnetic field in proximity to an orbital path in the zero or low-gravity environment; and

an object moving in proximity to the generating means and having a trajectory and speed, the object being sufficiently close to the generating means such that the magnetic field alters at least one of the trajectory and speed of the object to selectively inject the object into orbit along the orbital path or eject the object from the orbital path as the object moves <sup>beyond</sup> ~~past~~ the generating means and the apparatus;

wherein the generating means defines an opening of sufficient size to enable the object to move through the opening, and the generating means is configured for passage of the object completely through the generating means.

Application No. 10/709,960  
Docket No. A4-1786  
Proposed Amendment dated October 17, 2005

Page 4

### REMARKS

In the interview, the Examiner indicated that all but claim 1 recited allowable subject matter, and that claim 1 could be in condition for allowance if it were amended to require that "the magnetic field [of the generating means (10)] alters ~~at least one of~~ the trajectory and speed of the object . . . as the object moves past the generating means; . . . ." As indicated above, Applicant is proposing to amend claim 1 to retain the "at least one of" alternative language, but then to further clarify and require that the trajectory and/or speed occurs not only as the object moves past the generating means (10), but also as it moves past the apparatus containing the generating means (10). Applicant believes this limitation distinguishes his invention from Willis, because Willis does not disclose or suggest transferring momentum to and from the projectile 20 or the spaceship 10 by causing Willis' projectile 20 to move past the EMPL's 12, 13, and 14. Instead, the projectile 20 is disclosed as being at least temporarily captured by and within the EMPL's 12, 13, 14 for momentum transfer to occur.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Galen L Barefoot whose telephone number is 571-272-6898.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by

Art Unit: 3644

facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application or proceedings should be directed to **800-786-9199**.

Information regarding the status of an application may also be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 17, 2005



**Galen Barefoot  
Primary Examiner  
Technology Center 3644**